

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

EUGENE AND DAYMEL SHKLAR
FOUNDATION,

Plaintiff,

v.

IAN SIMMONS,

Defendant.

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) C.A. No. 04-CV-11529-JLT
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)

STIPULATION OF DISMISSAL

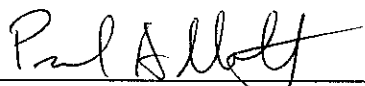
Pursuant to the provisions of Fed. R. Civ. P. 41(a)(1)(ii), the parties to the above-captioned action hereby stipulate and agree that Count Two (alleging fraud) and Count Three (alleging violation of M.G.L. c. 93A, §§ 2 and 11) of plaintiff's complaint be dismissed with prejudice. The parties further agree that each party will bear its own costs, fees, and disbursements with regard to the claims dismissed with prejudice.

EUGENE AND DAYMEL SHKLAR
FOUNDATION,

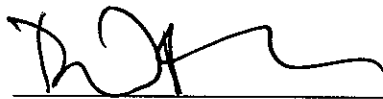
IAN SIMMONS,

By its attorneys,

By his attorneys,



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Dated: December 27, 2005